

The Honorable Philip H. Brandt
Chapter 7
Hearing Date: January 6, 2009
Hearing Time: 9:30 a.m.
Response Date: December 30, 2008
Hearing Location: Tacoma, WA

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In Re:

PETER A. JACOBSON and MARIA E.
JACOBSON,

Debtors.

NO. 08-45120-PHB

OBJECTION TO IN FORMA
PAUPERIS APPLICATION AND
MOTION TO VACATE ORDER
WAIVING FILING FEE

COMES NOW Terrence J. Donahue, duly appointed and acting Chapter 7 Trustee,
and files his Objection to In Forma Pauperis Application and Motion to Vacate Order
Waiving Filing Fees.

1. This case was filed on October 7, 2008.

2. Peter A. Jacobson and Maria E. Jacobson are "Debtors" herein. Debtors filed
for relief under Chapter on October 7, 2008, as pro se debtors. The schedules filed on that
date were not complete. Debtors filed their Application to Waive Filing Fee on or about
October 7, 2008 (*Docket No. 7*).

3. Debtors subsequently retained Kenneth E. Rossback, attorney at law, to
represent them regarding their Chapter 7 bankruptcy. Mr. Rossback filed the Balance of
Schedules on October 19, 2008 (*Docket No. 14*).

4. The Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee
was lodged on October 21, 2008 (*Docket No. 16*). The matter was set for hearing on
November 4, 2008. The Order Granting Application to Waive Filing Fee was entered on

OBJECTION TO IN FORMA PAUPERIS
APPLICATION AND MOTION TO VACATE ORDER
WAIVING FILING FEE - 1

00400005.DOC

TERRENCE J. DONAHUE
Chapter 7 Trustee
1201 Pacific Avenue, Ste. 1200
Tacoma, WA 98402
(253) 620-2519

1 November 6, 2008 (*Docket No. 18*).

2 5. Although Debtors' income may be below threshold standards, they stated on
3 their Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the
4 Filing Fee in Full or in Installments ("Application") that they had income of \$1,750.00 and
5 that they has a checking account with Columbia Bank with a balance of \$500.00. Debtors
6 also stated that they had not paid any fees to an attorney and they also stated that they had not
7 promised to pay or anticipate paying an attorney.

8 6. Upon review of the balance of Debtors' schedules the Disclosure of
9 Compensation of Attorney for Debtor(s) states that Debtors have agreed to pay for legal
10 services in the amount of \$900.00 to Mr. Rossback.

11 7. Debtor, Maria E. Jacobson, has a pending personal injury claim with the law
12 offices of Rush, Hannula, Harkins & Kyler, LLP. Debtors testified that the demand for
13 damages was in the amount of \$530,000.00.

14 Trustee respectfully requests that the Application be denied and the previous order
15 entered by the Court be vacated and that this matter be set for hearing to allow the Trustee an
16 opportunity to be heard on this issue.

17 DATED this 19th day of November, 2008.

18
19
20 By: /s/ Terrence J. Donahue
Terrence J. Donahue, WSBA #15193
21 Chapter 7 Trustee
22
23
24
25
26

OBJECTION TO IN FORMA PAUPERIS
APPLICATION AND MOTION TO VACATE ORDER
WAIVING FILING FEE - 2

00400005.DOC

TERRENCE J. DONAHUE
Chapter 7 Trustee
1201 Pacific Avenue, Ste. 1200
Tacoma, WA 98402
(253) 620-2519